

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SULZER MIXPAC USA, INC. et al.,

Plaintiffs,

-v.-

09 Civ. 9705 (DAB)
ORDER

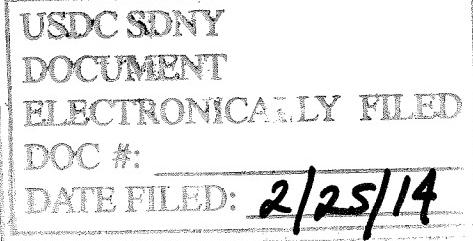
SHANGHAI NSJ HARDWARE LTD.,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the November 12, 2013 Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein ("Report"). On July 11, 2013, the Court found Defendant Shanghai NSJ Hardware Ltd. ("Defendant") in civil contempt for violating the Permanent Injunction dated January 26, 2011. (Contempt Order, ECF No. 30.) The case was referred to Judge Gorenstein for an inquest into appropriate damages and fines. (Id.) Judge Gorenstein's Report recommends that the Court order Defendant to pay \$500.00 in damages to Plaintiffs Sulzer Mixpac USA, Inc. and Sulzer Mixpac AG ("Plaintiffs"), as well as \$5,000.00 in fines to the Clerk of the Court. (Report at 1, 10.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations" 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The District



Court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). To date, no objections to the Report have been filed.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, it is hereby ORDERED AND ADJUDGED as follows:

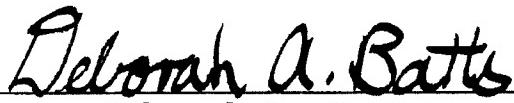
1. The Report and Recommendation of United States Magistrate Judge Gabriel W. Gorenstein dated November 12, 2013 be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety; and

2. Defendant Shanghai NSJ Hardware Ltd. shall pay \$500.00 in damages to Plaintiffs Sulzer Mixpac, USA Inc. and Sulzer Mixpac AG; and

3. Defendant Shanghai NSJ Hardware Ltd. shall pay \$5,000.00 in fines to the Clerk of the Court.

SO ORDERED.

DATED: New York, New York
February 25, 2014


Deborah A. Batts
Deborah A. Batts
United States District Judge